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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,271	05/07/2007	Stephan Schinzel Kolb	12406-214US1 P2004,0093 U	4877
26161	7590	09/14/2009	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	
			NOTIFICATION DATE	DELIVERY MODE
			09/14/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/587,271	Applicant(s) KOLB ET AL.	
	Examiner ANABEL M. TON	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sloan et al (6,932,495).

3. Sloan et al discloses an illumination module (fig 1) with a plurality of circuit boards (fig 16) that have at least one optical (12a, 12b) emitter arranged thereon, respectively, and that are connected into a chain by way of two electrical power supply wires (28a, 28b, 30a, 30b) wherein the electrical power supply wires are configured to run without interruption across all circuit boards of the chain thereby creating a parallel connection of the circuit boards of the chain (fig 16).

- At least one further electronic component is arranged on a circuit board, in addition to the at least one optical emitter, and electrically connected to the optical emitter (16,32a-d).
- The electrical power supply wires are connected to form a bundle between two circuit boards, respectively, in order to reinforce the connection between two circuit boards (figs 1-3).

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- The circuit boards are grouped into a plurality of circuit board pairs and wherein the optical emitters, respectively, of a circuit board pair are connected by way of a connecting wire between the two circuit boards (figs 1-3).
- The optical emitters are light-emitting diode component parts.
- The power supply wires between two respective circuit boards run in a meander like fashion (since the wiring of Sloan et al is bendable and has the capability of running in meander like fashion Sloan is considered to anticipate this limitation).
- (Original) Illumination module as claimed in claim 1 wherein both the bending radius between two circuit boards as well as the distance between the two circuit boards can be varied.
- A deformable illumination module, comprising: a plurality of circuit boards that have at least one optical emitter arranged thereon, respectively, and that are connected into a chain by way of two electrical power supply wires, wherein the electrical power supply wires are configured to run without interruption across all circuit boards of the chain; and wherein the two electrical power supply wires run along opposite edges of each of the circuit boards.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8,17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al.

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Sloan et al discloses the claimed limitations except for the recitation of the circuit boards being tapered at their ends, being a rhomboidal, flat pressed hexagon or octagon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the circuit boards of Sloan to have the aforementioned shapes, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Sloan et al.

Response to Arguments

6. Applicant's arguments filed 5/14/09 have been fully considered but they are not persuasive. Applicant argues " claim 10 is patentable over Sloan and claims 11-18 dependent from claim 10 are at least allowable for the same reasons as claim 10". For the reasons stated above, the claims are still considered rejected and the rejection is made final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANABEL M. TON whose telephone number is (571)272-2382. The examiner can normally be reached on 08:00-16:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton
Examiner
Art Unit 2875

/Anabel M Ton/
Examiner, Art Unit 2875